REMARKS

The Office Action dated April 19, 2007 has been carefully reviewed and the foregoing amendments are made in response thereto. In view of the above amendments and following remarks, Applicants respectfully request reconsideration of this application and timely allowance of the pending claims.

By this Amendment, claim 40 has been amended to further define the priming step (a). Specifically, amended claim 40 recites that the priming comprises reacting said priming agent with said extracellular matrix to covalently bind said extracellular matrix and said priming agent. Support for this amendment can be found at least in FIG. 7, Example III from paragraphs [00107] to [00110], and paragraphs [0025] and [0034], the later of which specifically define the "priming step" as involving the covalent binding. Thus, no prohibited new matter is introduced into the original disclosure, and we are merely incorporating a claim limitation already established by the specification (i.e., the definition provided for "priming step").

Upon entry of this amendment, claims 40 to 59 will be pending.

Summary of the Office Action

1. In view of Applicants' arguments filed on January 29, 2007, the Examiner withdrew the Election/Restriction Requirement issued on November 29, 2006.

2. Claims 40 to 42, 44, 45, 47 to 52, 54, 55, and 57 to 59 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 6,458,889 to Trollsas et al. (hereinafter "Trollsas et al.").

3. Claims 43 and 53 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Trollsas et al. and further in view of Hai et al., Bioconjugate Chem., 2000, 11, 705-713 (hereinafter "Hai et al.").

4. Claims 46 and 56 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Trollsas et al. and further in view of Roberto Benson, Nuclear Instruments and Methods in Physics Research, 2002, B 191, 752-757 (hereinafter "Benson").

5. Claims 40 to 59 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as allegedly unpatentable over claims 40 to 75 of copending Application No. 11/369,578.

6. Claims 40 to 42, 45 to 48, 50 to 52, and 55 to 58 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as allegedly unpatentable over claims 1, 2, 9, 10, and 15 of copending Application No. 10/962,278 in view of Hai et al.

7. Claims 40 to 42, 45 to 48, 50 to 52, and 55 to 58 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as allegedly unpatentable over claims 4 to 7, 18, 22, and 23 of copending Application No. 11/637,516 in view of Hai et al.

8. Claims 40 to 42, 45 to 47, 49 to 52, and 55 to 58 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as allegedly unpatentable over claims 53, 63, 65, 77, and 86 of copending Application No. 10/681,753 in view of Hai et al.

Election/Restriction Requirement

Applicants acknowledge with thanks the withdrawal of the Election/Restriction Requirement dated November 29, 2006 and the examination of all pending claims on the merits.

Rejections under 35 U.S.C. § 103(a)

Claims 40 to 42, 44, 45, 47 to 52, 54, 55, and 57 to 59 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 6,458,889 to Trollsas et al. (hereinafter "Trollsas et al."). Claims 43 and 53 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Trollsas et al. in view of Hai et al., Bioconjugate Chem., 2000, 11, 705-713 (hereinafter "Hai et al."). Claims 46 and 56 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Trollsas et al. in view of Roberto Benson, Nuclear Instruments and Methods in Physics Research, 2002, B 191, 752-757 (hereinafter "Benson"). Specifically, the Examiner asserts that Trollsas et al., solely or in combination with Hai et al. or Benson, would have rendered the claimed invention obvious.

Applicants respectfully submit the claimed invention, as amended in independent claim 40 and as previously presented in independent claim 50, is not rendered obvious by the references cited in the present Office Action because the cited references, solely or in

combination, do not teach or suggest the claimed limitations of the present invention, particularly the step of priming, which comprises reacting said priming agent with said extracellular matrix to covalently bind said extracellular matrix and said priming agent.

First, the delivery of the individual components in Trollsas et al. does not teach or suggest the priming step of the claimed method which comprises forming covalently bonds between the extracellular matrix and the priming agent.

Trollsas et al. disclose a crosslinkable composition containing at least three components that can crosslink with each other. Trollsas et al. also disclose that the three components can be delivered to the administration site either separately or simultaneously. It is notable that the simultaneous delivery of the individual components in Trollsas et al. is markedly different from the claimed method because the priming agent and the polymerizable agent in the claimed method are applied sequentially, not simultaneously.

As cited by the Examiner, Trollsas et al. (column 25, lines 47-67) state that the individual components of the crosslinkable composition can be delivered to the site of administration separately. However, the separate delivery method of Trollsas et al. differs from the claimed method in that Trollsas et al. do not disclose the formation of covalent bonds between the first applied components and the administration site prior to the application of other components. In the present invention, the claimed sequence of steps requires that the priming agent covalently binds to the extracellular matrix prior to adding a polymerizable agent before adding the polymerizable agent. In other words, the separate delivery method of Trollsas et al. fail to disclose the formation of covalently bonds between the administration site, such as extracellular matrix, and the first applied components, such as the priming agent, as claimed in the first step of the present method invention.

Furthermore, Trollsas et al. teach away from forming covalent bonds between the first applied components and the administration site prior to applying other components, as claimed in the present invention. Specifically, Trollsas et al. teach (column 24, lines 60-65) that components A, B, and C are generally selected in such a way that crosslinking occurs upon admixture of **all** components with an aqueous medium. Trollsas et al. define "crosslinked" as intermolecular or intramolecular crosslinks arising from the formation of covalent bonds. (see column 5, lines 12-15). That is, the formation of covalent bonds in Trollsas et al. occurs upon all

components are mixed together. Moreover, in each of the Examples teaching crosslinking of multiple components, such as Examples 1, 2, 4, and 5, the crosslinking, i.e., formation of covalent bonds, occurred upon all components are mixed. Thus, the teaching of Trollsas et al. contradicts the present method wherein formation of covalent bonds occurs prior to, not upon, the application of other components, such as the polymerizable agent.

Inasmuch as the principle reference, Trollsas et al., which spurs each of the obviousness rejections, does not teach or suggest the claimed limitations of the present invention, the other applied references, namely, Hai et al. and Benson, are further removed from the claimed method as is evidenced by including those references in rejecting aspects of Applicants' dependent claims. Specifically, Hai et al. disclose a method for preparing chondrotin-4-sulfate reagents and Benson investigates the use of radiation in biomaterials. Neither Hai et al. nor Benson teach or suggest a priming step that comprises reacting said priming agent with said extracellular matrix to covalently bind said extracellular matrix and said priming agent. Thus, combination of the cited references does not teach or suggest the present method.

The §103 rejections also fail because there is no motivation in the applied references or in the general knowledge of one skilled in the art which suggest modifying the disclosed methods to include Applicants' claimed step of priming an extracellular matrix. Thus, there is no motivation provided in the applied references, or otherwise of record, to make modifications to arrive at the claimed invention.

Therefore, the claimed invention is not rendered obvious by the cited references.

Rejections under the Obviousness-type Double Patenting

Claims 40 to 59 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as allegedly unpatentable over claims 40 to 75 of copending Application No. 11/369,578. Claims 40 to 42, 45 to 48, 50 to 52, and 55 to 58 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as allegedly unpatentable over claims 1, 2, 9, 10, and 15 of copending Application No. 10/962,278 in view of Hai et al. Claims 40 to 42, 45 to 48, 50 to 52, and 55 to 58 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as allegedly unpatentable over claims 4 to 7, 18, 22, and 23 of copending Application No. 11/637,516 in view of Hai et al. Claims 40 to 42, 45 to 47, 49 to 52,

and 55 to 58 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as allegedly unpatentable over claims 53, 63, 65, 77, and 86 of copending Application No. 10/681,753 in view of Hai et al.

Applicants respectfully note the provisional obviousness-type double patenting rejections and will address these rejections when the Examiner find allowable subject matter in the present application.

Conclusion

In view of the foregoing, favorable reconsideration and allowance of the present application is respectfully solicited.

Except for issue fees payable under 37 C.F.R.§ 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R.§ 1.16 and § 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-1283. This paragraph is intended to be a **Constructive Petition for Extension of Time** in accordance with 37 C.F.R. § 1.136(a)(3).

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